

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Catherine Hutchinson, et al.,

Plaintiffs,

v.

Deval L. Patrick, et al.,

Defendants.

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Civil Action No. 07-30084-MAP

MEMORANDUM AND ORDER RE:  
JOINT MOTION FOR DISMISSAL  
(Dkt. No. 105)

September 23, 2021

PONSOR, U.S.D.J.

On May 17, 2007, Plaintiffs filed a class action lawsuit seeking to compel Defendants to comply with certain federal statutory mandates by offering, in integrated community settings, services and programs for individuals with acquired brain injuries (“ABI”). *Hutchinson ex rel. Julien v. Patrick*, 636 F.3d 1 (1st Cir. 2011). On July 11, 2013, this court entered an order approving an Amended Settlement Agreement (“Agreement”), negotiated by the parties and resolving all claims in this matter. (Dkt. 91.)

Paragraph 51 of the Agreement states that the court shall dismiss this action with prejudice following the passage of six years “provided that the defendants have performed their obligations under this Agreement and at that time are in substantial compliance with all obligations under this Agreement.” (Dkt. 106-1, Exhibit A, 17.)

The parties now agree that Defendants have complied with this provision of the Agreement and are entitled to dismissal of this lawsuit with prejudice. Having reviewed the

parties' submissions, and heard oral argument remotely, the court hereby finds that Defendants have performed their obligations as set forth in the Agreement. Specifically, Defendants have (1) substantially expanded the Commonwealth's home and community-based service system for class members suffering ABI, (2) conducted extensive outreach to inform class members about opportunities for community living, (3) coordinated the transfer of class members who choose to transition to the community, and (4) provided a range of services and supports to persons with ABI in the community. The result has been a movement of thousands of persons out of nursing home and institutional settings to significantly improved community placements.

The parties, their representatives, and counsel on both sides have the court's deep respect for their hard work, resulting in a very positive outcome for this vulnerable population. Defendants' good faith is demonstrated by their commitment to continuing to improve and expand community services for persons suffering ABI even beyond the framework of the Agreement.

For all these reasons, the parties' Joint Motion for Dismissal (Dkt. 105) is hereby ALLOWED with prejudice. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor  
MICHAEL A. PONSOR  
United States District Judge